

REMARKS

I. Status of the Claims

Claims 1 and 8 have been amended and claim 5 canceled in this response. By entering these amendments, claims 1-3 and 6-8 remain for consideration.

I. Response to Rejections of Claims 1-3 and 6-8 under 35 U.S.C. § 112

The Examiner has rejected claims 1-3 and 5-8 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The rejection no longer applies to claim 5 which has been canceled in this response. The Examiner points out that the subject matter of the phrase "olefinic monomer concentration of at least 10 mol %" as recited in previously amended claim 1 does not find support in the specification as filed. Indeed, the specification only describes the ethylene concentration of at least 10 mol %. Accordingly, Applicants have amended claim 1 by changing the language "an olefinic monomer concentration of at least 10 mol %" to "an ethylene concentration of at least 10 mol %." To make this amended phrase to be consistent with the preamble of claim 1, Applicants have also amended the preamble by changing "A process for polymerizing in a first polymerization at least one olefinic monomer selected from ethylene, propylene and 1-butene" to "A process for polymerizing, in a first polymerization, ethylene or a mixture of ethylene with at least one olefinic monomer selected from propylene, 1-butene, 1-pentene, 1-hexene, or 1-octene." This amendment is supported by the original disclosure on page 3, lines 1-12, which describes that the process of the invention is suitable for the polymerization of ethylene or a mixture of ethylene with C₃-C₈ olefinic monomers such as propylene, 1-butene, 1-pentene, 1-hexene, and 1-octene.

Applicants thus respectfully request that the Examiner enter the amendments and withdraw the rejection of remaining claims 1-3 and 6-8 under 35

U.S.C. § 112. Applicants respectfully invite the Examiner to telephone their attorney, Shao-Hua Guo, at (610) 359-2455 if a discussion of the application might be helpful.

Respectfully submitted,
Shahram Mihan et al.

By: *Shao-Hua Guo*

Shao-Hua Guo
Attorney for Applicants
Reg. No. 44,728
LyondellBasell Industries
Phone: (610) 359-2455
December 11, 2008

Customer Number 24114